

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

ERIN POWELL

PLAINTIFF(S)

vs.

NO. **4:14CV00661 SWW**

GRACO CHILDREN'S PRODUCTS, INC.

DEFENDANT(S)

FINAL SCHEDULING ORDER

This matter is scheduled for trial in **LITTLE ROCK, Arkansas**, during the week beginning **July 25, 2016 at 9:30 A.M.**, to a jury of not fewer than six members as provided by Rule 48 of the Federal Rules of Civil Procedure. Counsel are to be present **30 minutes prior** to trial. The following schedule is to be strictly adhered to:

1. EXPERT DISCLOSURES AND REPORTS

Case-in-chief expert disclosures, including reports, must be made by **December 28, 2015**.
Rebuttal expert disclosures, including reports, must be made by **January 27, 2016**. These disclosures must be in writing, signed, and served. They are not filed in the Clerk's Office

2. DISCOVERY COMPLETION

All discovery, including evidentiary depositions, shall be completed **no later than February 26, 2016**. Parties may conduct discovery beyond this date if all parties are in agreement to do so; *however, the Court will not be available to resolve any disputes which arise during the course of this extended discovery.*

3. MOTIONS DEADLINES

- a. Motions to amend the pleadings (*including the complaint*) shall be filed by **March 28, 2016**;
- b. Motions in limine shall be filed **no earlier** than **14 calendar days** prior to trial and **no later than 3:00 p.m. on Friday** prior to the trial date; and
- c. All other motions, including motions for summary judgment, motions to dismiss, and motions pursuant to *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993), shall be filed by **March 28, 2016**.

FAILURE TO MEET THESE DEADLINES MAY RESULT IN DENIAL OF SUCH MOTION/PLEADING SOLELY ON THE BASIS OF UNTIMELY FILING.

4. PRETRIAL DISCLOSURE SHEET

The *Pretrial Disclosure Sheet* as outlined in Local Rule 26.2 shall be filed with the Clerk by *June 24, 2016*.

5. SETTLEMENT CONFERENCE

After discovery has been completed, the parties may request a settlement conference to be conducted by the Court or Magistrate Judge. The request for settlement conference should be made no later than *30 calendar days* prior to trial date.

6. STIPULATION OF AGREED FACTS

A comprehensive *stipulation of agreed facts* shall be filed with the Clerk no later than *14 calendar days* prior to trial date.

7. AGREED JURY INSTRUCTIONS

An agreed set of jury instructions shall be submitted to the court no later than *14 calendar days* prior to trial. Eighth Circuit Model Jury Instructions should be used when possible. A party requesting an instruction which cannot be agreed to should submit that instruction , along with a statement of authority, to the Court. The Court requests counsel to provide the instructions saved as a WordPerfect document or Rich Text Format file attached to an e-mail addressed to swwchambers@red.uscourts.gov. Please type the case name and number in the subject box. In addition, the Court requests counsel to provide a written copy of the instructions.

8. SUBMISSION OF PROPOSED VOIR DIRE QUESTIONS

Counsel are directed to *submit proposed voir dire questions* to the Court along with the instructions.

9. MARKING & EXCHANGE OF ALL EXHIBITS

To avoid delay during trial, counsel shall *mark and exchange all exhibits prior to trial*, stipulating to as many as possible. *The exhibits are to be listed in numerical sequence. Note stipulations and objections on the exhibit list. If there is an objection to an exhibit, attach a statement setting out the basis for both the offer and the objection.* The list is to be *delivered/mailed/e-mailed* to Cecilia Norwood (cecilia_norwood@ared.uscourts.gov) no later than *7 calendar days* prior to trial.

10. MERGERS & ACQUISITIONS

If any party is a publicly-traded corporation, counsel should keep the Court advised of any actual merger or pending acquisition so that the Court might prevent conflicts of interest from arising from the Judge's financial holdings.

11. COURTROOM TECHNOLOGY

The Court will contact counsel prior to trial to inquire whether counsel are familiar with the Court's electronic equipment for presentation of evidence. If necessary, the Court will schedule a pretrial courtroom visit in order that counsel may become familiar with this electronic equipment, which the Court expects counsel to use during presentation of documentary evidence at trial.

If the parties anticipate bringing any electronic devices into the courthouse for any proceeding or the trial in this matter, please review General Order No. 54 filed March 24, 2008.

In the event of settlement, please notify Ms. Norwood at (501) 604-5104 **immediately**.

IT IS SO ORDERED this *10th* day of *June 2015*.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE